

Minneapolis City Planning Department Report
Street Right-of-Way Vacation Vac-1394 and 1395 (Arthur St. NE and New Brighton Blvd.)
USTP Services, LLC

Hearing Date: October 21, 2002

Applicant: James M. Moeller, 1300/1350 New Brighton Blvd., Mpls., MN 55413

Address of Property: 1300/1350 New Brighton Blvd., Mpls., MN 55413.

Contact Person and Phone: James M. Moeller (voice: 651-592-6720, 651-426-2612)

Staff Contact Person and Phone: J. Michael Orange, City Planner (voice: 612-673-2347; facsimile: 673-2728; TDD: 673-2157; Email: michael.orange@ci.minneapolis.mn.us)

Ward: 1 **Neighborhood Organization:** Northeast Park Neighborhood Assoc.

Existing Zoning: I1, Light Industrial District

Proposed Use: Remediate the on-site soil pollution over the next two years. At the end of the lease for the existing trailer storage use, replace the use with a “strip center” for offices, commercial, and restaurants.

Authority: Section 433.20 of the City’s Code of ordinances defines the process for street and alley vacations.

Concurrent Review: None.

Neighborhood review: No comments have been received from the neighborhood group.

Legal Description of the Streets to be Vacated: That part of the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 13, Township 29, Range 24, described as beginning at the intersection of the South line of the Southwest 1/4 of the Northeast 1/4 of said Section 13 and the Westerly Right-of-way line of Old New Brighton Blvd.; thence Northeasterly along said Right-of-way line to the Westerly Right-of-way line of Arthur Street NE; thence Northerly along said Right-of-way line to the Southerly Right-of-way line of Interstate Highway No. 35W; thence Easterly along said Right-of-way line to the centerline of Arthur Street NE, being the East line of the South 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 of said Section 13; thence Southerly along centerline of Arthur Street NE to the centerline of Old New Brighton Blvd. thence Southwesterly along said centerline of Old New Brighton Blvd. to the South line of the North 1/2 of the Southwest 1/4 of the Northeast 1/4 of said Section 13; thence Westerly along said South line to the point of beginning.

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Background:

Surrounded zoning and uses: The site is within a large I1, Light Industrial District. To the south and east are an I2, Medium Industrial District and industrial uses. To the north are I-35W and a C3S District and the Quarry Shopping Center. To the west are I-35W and residential uses on the other side of the freeway (Attachments 1-3).

Future proposal: Currently, the applicant leases the site to a trailer storage company, GE Capital (refer to aerial photographs, Attachments 5 & 6). After the lease expires in two years, the applicant proposes to build a “strip center” for offices, commercial uses, and restaurants (Attachment 7). According to the applicant’s site plan, the vacated property would be used ultimately for a driveway and landscaping. However, the proposed conceptual site plan shows buildings that are set back from the street and surrounded by parking. Since this is inconsistent with the Zoning Code, Planning staff sketched out an alternative concept that placed the main building at the new property line along New Brighton Blvd. for discussion purposes only (Attachment 8). In this example, the vacated property allows the building to be forty feet closer to New Brighton Blvd., which is consistent with the Zoning Code.

Current proposed use of property to be vacated: The site is over part of the quarry that was used for years as a dump. (The Quarry Shopping Center is also located over part of this old dump.) Before the applicant can convert the site for the proposed new use, the Minnesota Pollution Control Agency (MPCA) has required the applicant to replace the top three feet of the site with clean fill. The applicant intends to allow GE Capital to move trailers on to the area to be vacated to free up another portion of the site for soil remediation. During the remaining two years of the lease with GE Capital, the applicant expects to be able to remediate the entire site consistent with the MPCA requirement.

Findings for the Vacation Request:

Responses from Utilities and Affected Property Owners: The applicant is requesting the City vacate a portion of the right-of-way along New Brighton Blvd. and Arthur St. NE. as defined on the first page of this report (Attachment 6). Planning staff distributed copies of the vacation request to the Union Pacific Railroad and to utility and communication companies.

The Public Works Department and City Planning Department find that the areas proposed for vacation are not needed for any public purpose, that they are not part of a public transportation corridor, and that they can be vacated if any easements requested by the following companies and by Public Works are granted by the petitioner:

- Public Works: The City of Minneapolis requires a 30-foot water-line easement in the Arthur St. vacation.
- Xcel Energy:
 - Vac-1394: Xcel Energy will retain its easement over the westerly ten feet of the proposed vacation area.

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- Vac-1395: Xcel Energy will retain its easement over the northwesterly ten feet of the proposed vacation area.
- Qwest:
 - Vac-1394: Qwest has underground telephone facilities in the westerly portion of New Brighton Blvd. in the area to be vacated. Qwest will describe an easement should the applicant's construction plans require relocation, and expects the applicant to pay relocation costs.
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Recommendation of the Minneapolis Planning Department

Vacation: The City Planning Department recommends that the City Planning Commission **approve** the vacation application for the USTP Services, LLC at 1300/1350 New Brighton Blvd., subject to retention of easements by the following as described above:

- City of Minneapolis
- Xcel Energy
- Qwest

Attachments:

1. Zoning in the general area
2. Zoning and buildings in the immediate area
3. Survey
4. Land ownership
5. Aerial photo with parcel lines
6. Vacations
7. Proposed site plan (not yet submitted for permits)
8. Planning staff concept schematic of main building oriented towards New Brighton Blvd. consistent with the Zoning Code
9. Information from the applicant
10. Legal description